

8.3

RESIDENTIAL FACILITIES FOR HANDICAPPED PERSONS.

8.3.1

A residential facility for handicapped persons shall be consistent with existing zoning of the desired location.

8.3.1.1

A residential facility for handicapped persons shall:

8.3.1.2

be occupied on a 24-hour-per-day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager.

8.3.1.3

conform with applicable standards of the Department of Workforce Services.

8.3.1.4

be operated by or operated under contract with that department.

8.3.2

MUNICIPAL ORDINANCES GOVERNING HANDICAPPED RESIDENTIAL FACILITIES.

8.3.2.1

Each County shall adopt ordinances that establish that a residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned exclusively single-family dwellings.

8.3.2.2

The ordinances shall establish a permit process that may require only that:

8.3.2.2.1

the facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;

8.3.2.2.2

the operator of the facility provide assurances that the residents of the facility will be properly supervised on a 24-hour basis;

8.3.2.2.3

the operator of the facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;

8.3.2.2.4

the operator of the facility provide adequate off-street parking space;

8.3.2.2.5

the facility be capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;

8.3.2.2.6

no residential facility for handicapped persons be established within three-quarters mile of another residential facility for handicapped persons;

8.3.2.2.7

no person being treated for alcoholism or drug abuse be placed in a residential facility for handicapped persons;

8.3.2.2.8

no person who is violent be placed in a residential facility for handicapped persons; and

8.3.2.2.9

placement in a residential facility for handicapped persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

8.3.3

APPROVAL OF HANDICAPPED RESIDENTIAL FACILITIES.

8.3.3.1

Upon application for a permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, Box Elder County may decide only whether or not the residential facility for handicapped persons conforms to ordinances adopted by Box Elder County under this part.

8.3.3.1.1

If Box Elder County determines that the residential facility for handicapped persons complies with those ordinances, it shall grant the requested permit to that facility.

8.3.3.2

The use granted and permitted by this section is non-transferable and terminates if the structure is devoted to a use other than a residential facility for handicapped persons or if the structure fails to comply with the ordinances adopted under this part.

8.3.3.3

If a County has not adopted ordinances under this part at the time an application for a permit to establish a residential facility for handicapped persons is made, Box Elder County shall grant the permit if it is established that the criteria set forth in this part have been met by the facility.

8.3.4

HANDICAPPED RESIDENTIAL FACILITIES IN AREAS ZONED EXCLUSIVELY FOR SINGLE-FAMILY DWELLINGS.

8.3.4.1

For the purpose of this section:

8.3.4.1.1

no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped persons;

8.3.4.1.2

no person who is violent may be placed in a residential facility for handicapped persons; and

8.3.4.1.3

placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

8.3.4.2

Subject to granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:

8.3.4.2.1

conforms to all applicable health, safety, zoning and building codes;

8.3.4.2.2

is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character; and

8.3.4.2.3

conforms to Box Elder County's criteria, adopted by ordinance, governing residential facilities for handicapped persons in areas zoned to permit exclusively single-family dwellings.

8.3.4.3

A County may, by ordinance, provide that no residential facility for handicapped persons be established within three-quarters mile of another existing residential facility for handicapped persons.

8.3.4.4

The use granted and permitted by this subsection is non-transferable and terminates if the structure is devoted to a use other than a residential facility for handicapped persons or, if the

structure fails to comply with applicable health, safety, and building codes.

8.3.4.5

County ordinances shall prohibit discrimination against handicapped persons and against residential facilities for handicapped persons.

8.3.4.5.1

The decision of a County regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria and may not be based on handicapping condition of the facility's residents.